IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

FAO.No. 95 of 2007()

AGAINST THE ORDER DATED 23/02/2007 IN IA.399/2007 IN
OS.48/2007 of PRINCIPAL SUB COURT, NORTH PARAVUR

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APPELLANT/PETIIONER/PLAINTIFF

SHAJU DANIYEL, S/O.DANIYEL,
ALAPPATTU HOUSE, ISWRYA NAGAR, THAIKATTU KARA,
ALUVA WEST VILLAGE, ALUVA TALUK.

BY ADV. SRI.T.A.SHAJI
SMT.T.V.NEEMA

RESPONDENTS/RESPONDENTS/DEFENDANTS

1. KANNAN, S/O.GOVINDAN,
URUMIPARAMBIL HOUSE, VAVAKKADU MURI,
VADAKKEKARA VILLAGE, NOW RESIDING AT
POOVATHUMKADAVIL HOUSE, PANAGATTU DESOM,
SREENARAYANAPURAM VILLAGE.

2. SUNILAN, S/O.GOVINDAN, DO. DO.

3. WATSON, S/O.GOVINDAN, DO. DO.

4. SHEELAKUTTY, D/O.GOVINDAN, DO. DO.

5. PRASANNA ARAVINDHAN,
URUMIPARAMBIL HOUSE, VAVAKADU MURI,
VADAKKEKARA VILLAGE, NOW RESIDING AT KAZILVILDS
APPARTMENT, VELALCHERI MAIN ROAD, CHENNAI, 2A/166.

6. SUNITHA BABU URUMIPARAMBIL HOUSE,
VAVAKADU MURI VADAKKEKARA VILLAGE,
NOW RESIDING AT KANNCLI HOUSE,
CHIRAKKAL INCHAMUDIYIL.

7. GEETHA, W/O.BABY,
URUMIPARAMBIL HOUSE, VAVAKADU MURI,
VADAKKEKARA VILLAGE, NOW RESIDING AT
KOMATHUMKATTIL HOUSE, NANDIKULANGARA DESOM,
PARAPPICKARA VILLAGE, MUKUNDAPURAM TALUK.

8. BABY, S/O.MANIKKAN,
KOMATHUKATTIL HOUSE, NANDIKULANGARA DESOM,
PARAPPOOKARA VILLAGE, MUKUNDAPURAM TALUK,
(POWER OF ATTORNEY HOLDER OF R1,R2,R3,R5).

R1 TO R8 BY ADV. SRI.K.V.SOHAN
SMT.SREEJA SOHAN.K.
SMT.SANJANA R.NAIR

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD ON 29/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

I.A.NO.1071/2007 IN FAO.NO.95/2007

Dismissed

29/3/2007

Sd/-
P.R.RAMAN, JUDGE.

Sd/-
ANTONY DOMINIC,JUDGE.

P.R.RAMAN & ANTONY DOMINIC,JJ.

F.A.O.NO.95 OF 2007

Dated this the 29th day of March, 2007

JUDGMENT

Raman,J.

This appeal arises out of an order passed in I.A.No.399/2007 in O.S.No.48/2007on the file of the Principal Sub Court, North Paravur. An application was filed under Order XXXIX Rule 1 of the C.P.C. by the appellant herein seeking to restrain the respondents and their men from alienating the plaint schedule property and from committing waste therein till the disposal of the suit. The suit is one for specific performance of the contract. It is alleged that one Anandam entered into an agreement for sale of the plaint schedule property. Subsequently, Anandam died and the respondents in the I.A. are his legal representatives. The court below by the order impugned in this appeal declined to grant the relief as sought for, though initially an ex parte interim injunction was granted. This Court while admitting the appeal passed an interim order of injunction restraining the respondents from alienating and committing waste in the property. On service of notice respondents have entered appearance through counsel. He fairly submitted that respondents herein undertake not to alienate the

property or to commit any waste till the disposal of the suit O.S.No.48/2007 pending before the Munsiff's Court, North Paravur. At the same time, he sought for a direction to expedite the trial and to dispose of the suit.

2. Having heard both sides, we record the undertaking given by the respondents that they shall not alienate the plaint schedule property and commit any waste therein, till the disposal of the suit. Since the pleadings are already completed, the court below shall dispose of the suit, as expeditiously as possible, at any rate within a period of six months.

Appeal is disposed of as above.

P.R.RAMAN,
Judge.

ANTONY DOMINIC,
Judge.

kcv.